

LAW OFFICES OF SUSAN G. KELLMAN
25 EIGHTH AVENUE • BROOKLYN, NEW YORK 11217
(718) 783-8200 • FAX (718) 783-8226 • SGK@KELLMANESQ.COM
FELLOW, AMERICAN COLLEGE OF TRIAL LAWYERS

July 5, 2021

Via ECF and Email

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *U.S. v. Ricardo Fabian*
19 Cr. 566 (LTS)

Dear Judge Swain:

I write to apprise the Court of a scheduling conflict that has recently arisen.

Last week the Hon. Sterling Johnson reached out to counsel and asked if I could be available to try a terrorism case on August 2, 2021. The trial is expected to last approximately two weeks – which would make our August 10th sentencing quite impossible – first, because I am involved in around-the-clock preparation for a case that has been pending for nearly three years; and second, because the Hon. Allyne R. Ross, has “drafted” counsel to try a case which is scheduled to begin on July 23, 2021 – and I am now in around-the-clock preparation for that case as well.¹

Accordingly, I respectfully request that your Honor re-schedule Mr. Fabian’s sentencing to a date and time convenient to the Court in the Fall.

¹ Apparently, the two judges have consulted with each other and concluded that I would be able to keep both commitments; however, these two commitments make it virtually impossible for me to have much else on my agenda/calendar.

Your Honor's consideration of counsel's request is very much appreciated.

Respectfully submitted,

Susan G. Kellman

Susan G. Kellman

cc: All counsel

Ricardo Fabian

Application granted. The sentencing hearing currently scheduled for August 10, 2021, at 2:00 p.m., is adjourned to Wednesday, October 13, 2021, at 2:00 p.m. DE#96 resolved.

SO ORDERED.

Dated: July 7, 2021

/s/ Laura Taylor Swain, Chief U.S.D.J.